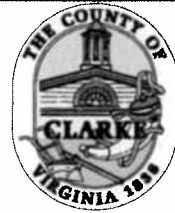


Clarke County

Planning Commission
Regular Meeting Minutes
April 4, 2014



A regular meeting of the Planning Commission of Clarke County, Virginia, was held at the Berryville/Clarke County Government Center, Berryville, Virginia, on Friday, April 4, 2014.

ATTENDANCE

George L. Ohrstrom, II, Chair; Anne Caldwell, Vice Chair; Robina Bouffault, Randy Buckley, Scott Kreider, Doug Kruhm, Cliff Nelson, John Staelin and Jon Turkel.

ABSENT: Tom McFillen and Chip Steinmetz

STAFF

Brandon Stidham, Planning Director; Jesse Russell, Zoning Administrator; Alison Teetor, Natural Resource Planner; and Debbie Bean, Recording Secretary.

CALLED TO ORDER

Chair Ohrstrom called the meeting to order at 9:04 a.m.

APPROVAL OF AGENDA

The Commission voted to approve the agenda as modified.

Yes: Bouffault, Buckley, Caldwell, Kreider, Kruhm, Nelson (seconded), Ohrstrom, Staelin, and Turkel (moved)

No: No one

Absent: McFillen and Steinmetz

APPROVAL OF MINUTES

The Commission voted to approve the briefing meeting minutes of February 4, 2014.

Yes: Bouffault (seconded), Buckley, Caldwell (moved), Kreider, Kruhm, Nelson, Ohrstrom, Staelin, and Turkel

No: No one

Absent: McFillen and Steinmetz

The Commission voted to approve the regular meeting minutes of February 7, 2014.

Yes: Bouffault, Buckley, Caldwell, Kreider (seconded), Kruhm, Nelson (moved), Ohrstrom, Staelin, and Turkel

No: No one

Absent: McFillen and Steinmetz

The Commission voted to approve the briefing meeting minutes of March 4, 2014

Yes: Bouffault (moved), Buckley, Caldwell (seconded), Kreider, Kruhm, Nelson, Ohrstrom, Staelin, and Turkel

No: No one

Absent: McFillen and Steinmetz

Minor/Major Subdivisions

MS-14-01 Mark Binda. Request approval of a two lot Minor Subdivision for the property identified as Tax Map #37A1-3-31, located at 283 Shenandoah River Lane in the White Post Election District zoned Forestal Open-Space Conservation. The subject property contains two dwellings. The minimum lot size in FOC is 3 acres in area.

Mr. Russell explained this request. He stated that the property is located in Shenandoah Farms off a private access easement called Shenandoah River Lane. He said that the applicant will be providing an additional 30' wide private access easement through Lot 31A to 31B. He said that the Health Department has approved the septic system and well site. He stated that a resistivity test is not required as the subject property is not in Karst terrain. He said that no one from the Planning Commission has visited the site and he recommended that someone visit the subject property as a condition of approval.

Chair Ohrstrom asked if there is a policy stating that proposed subdivisions must be visited by Planning Commission members. Mr. Russell stated that we do not have a policy. After discussion with Staff and the Commission a decision was made to review this matter at a later time.

There being no further discussion, Chair Ohrstrom called for a motion.

The Commission voted to approve this request on condition that the Greenway District representatives (Bouffault and Buckley) of the Planning Commission visit the site within the next two weeks and that the Zoning Administrator will not sign off on this request until this is accomplished.

Yes: Bouffault (moved), Buckley, Caldwell, Kreider, Kruhm (seconded), Nelson, Ohrstrom, Staelin, and Turkel

No: No one

Absent: McFillen and Steinmetz

Set Public Hearing Items

None

Board/Committee Reports

Board of Supervisors (John Staelin)

Commissioner Staelin stated that the Board is currently working on the budget and that the public hearing on the budget will be on April 9, 2014 at 7:30 p.m. He stated that the BOS had the public hearing on the revocation for the Shenandoah University and it was passed.

Sanitary Authority (John Staelin)

Commissioner Staelin stated that the Authority is currently working on the financing issue for the Millwood Tower on Browntown Road.

Board of Septic & Well Appeals (John Staelin)

No report.

Board of Zoning Appeals (Anne Caldwell)

No report.

Historic Preservation Commission (Doug Kruhm)

Commissioner Kruhm stated that the upcoming HPC meeting in May is going to be the annual awards luncheon. He said that these awards are for recognizing residents in the County for their good work in the County.

Conservation Easement Authority (George Ohrstrom, II)

Chair Ohrstrom stated that currently the Authority is going through our new County procurement process to replace Kate Petranech.

Other Business**Request from Salvation Army to Extend Deadline to Record Subdivision Plat**

Mr. Russell explained this request. He stated that John Farrell, agent for the Salvation Army, is requesting an extension of the deadline to record the subdivision plat for the property on Westwood Road until July 1, 2017. He said the Salvation Army subdivision request was approved at the Planning Commission's January 2012 meeting. He said that in the Subdivision Ordinance it states that the time to record a plat is no later than six months from the time of approval unless otherwise extended by the Planning Commission before recordation is required. He said that a request to extend this deadline was placed on the Commission's June 2012 agenda. He stated that at that time, County Attorney Robert Mitchell determined that the applicant had until April 30, 2014 in which to record the plat. He said that the determination by Mr. Mitchell was based on the surety agreement between the County and Salvation Army dated April 30, 2012 for the completion of required improvements associated with the subdivision. He stated it is also in the Subdivision Ordinance Section 4-K-4 that allows the recordation deadline to be extended to the time limit specified in the surety agreement. He said that in this case, the surety agreement is scheduled to expire 24 months from the date of execution or April 30, 2014.

Mr. Farrell was present and spoke. He said that in the State Code Section 15.2-2209 extends automatically the time in which a plat must be recorded until July 1, 2017. Mr. Russell said that the County attorney does not agree with the agent's interpretation of that Code section and has opined that the automatic freeze on recording subdivision plats was given to only those subdivision plats approved as of January 1, 2011 and not for subdivision plats approved later than January 1, 2011. He stated that Mr. Farrell has agreed to request an extension for filing the subdivision plat from the Planning Commission that reflects the same State Code filing date of July 1, 2017. Mr. Russell said that the Planning Commission may set any extension time that they wish.

Chair Ohrstrom asked the Commission if they had any questions.

Commissioner Kruhm asked is there any indication as to when the Salvation Army intends to record their property subdivision. Mr. Farrell said that the market for doing a subdivision at the present time has all but vanished. He said that this is why the Salvation Army has delayed recording the subdivision plat in the hope that the market recovers.

Commissioner Caldwell asked Mr. Farrell to explain the connection between the market being down, not having a buyer and not recording the plat. Mr. Farrell stated that once we record the plat the land is no longer assessed as 400 raw acres. He said that the Salvation Army does not want to pay higher taxes on 400 acres of raw land with no market at this time. Commissioner Caldwell said that there are roll back taxes and she asked Mr. Farrell if he envisioned the buyer of the land or the Salvation Army paying these taxes. Mr. Farrell said that if the buyer or the Salvation Army pays these taxes that it will be up to them. He said at the present time we are just asking for an extension and if we have to record it now we will pay the taxes.

After discussion with Staff and the Commission, Chair Ohrstrom asked for a motion.

The Commission voted not to extend the deadline to record the subdivision plat until July 1, 2017 and which therefore should be recorded by April 30, 2014.

Yes: Bouffault (moved), Buckley, Caldwell, Kreider (seconded), Kruhm, Nelson, Ohrstrom, Staelin, and Turkel

No: No one

Absent: McFillen and Steinmetz

Appearance by Tyler Klein (Northern Shenandoah Valley Regional Commission), Draft 2014 Town of Berryville & Clarke County Bicycle and Pedestrian Plan

Tyler Klein, Senior Planner with the Northern Shenandoah Valley Regional Commission (NSVRC) gave a brief overview of the Draft 2014 Bicycle and Pedestrian Plan for the Town of Berryville and Clarke County. He said that the NSVRC has been working with the Town and County for the last six months. He stated that this project is being funded by the Virginia Department of Transportation therefore there is no cost to the County or the Town. He said that the purpose of the plan is to document the existing routes that can be used in the area. He stated with this information the plan is to link to those routes and not create new ones. He said that they want this network to be safe for the residents and the community. He stated that this draft plan will be presented to the Board of Supervisors at their work session and also to the Berryville Town Council at their next meeting. He said that they plan to have a public meeting in May which is national bike month and to take comments from the community.

Commissioners Bouffault and Staelin remarked that there are some roads in the County that will need improvements as the roads are hardly wide enough for cars let alone bikes. Mr. Klein stated he would review these areas with the Commission.

Appointment of Recreation Plan Subcommittee

At the briefing meeting on April 1, 2014 the Commission named individuals to serve on the Recreation Plan Subcommittee.


The Commission voted to appoint Tom McFillen, Jon Turkel, Pete Engel, Lee Shaffer, and Daniel Sheetz to serve on the Recreation Plan Subcommittee.

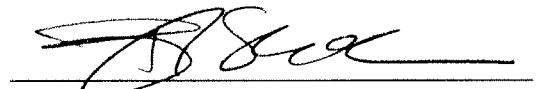
Yes: Bouffault (seconded), Buckley, Caldwell (moved), Kreider, Kruhm, Nelson, Ohrstrom, Staelin, and Turkel

No: No one

Absent: McFillen and Steinmetz

There being no further discussion, the meeting was adjourned at 10:15 a.m. until the next regular meeting of the Commission on May 2, 2014.


George L. Ohrstrom, II, Chair


Brandon Stidham, Director of Planning

Minutes prepared by Debbie Bean, Recording Secretary